

Translation

PATENT COOPERATION TREATY

PCT/FR2003/050173



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>B 14152.3 GB</b>	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. <b>PCT/FR2003/050173</b>	International filing date ( <i>day/month/year</i> ) <b>15 décembre 2003 (15.12.2003)</b>	Priority date ( <i>day/month/year</i> ) <b>16 décembre 2002 (16.12.2002)</b>
International Patent Classification (IPC) or national classification and IPC <b>H01L 21/28, 21/336, 29/423</b>		
Applicant <b>COMMISSARIAT A L'ENERGIE ATOMIQUE</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I  Basis of the report
- II  Priority
- III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

Date of submission of the demand <b>30 juin 2004 (30.06.2004)</b>	Date of completion of this report <b>10 March 2005 (10.03.2005)</b>
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/050173

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

the international application as originally filed  
 the description:

pages 1-30, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

the claims:

pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages 1-10, filed with the letter of 24 January 2005 (24.01.2005)

the drawings:

pages 1/6-6/6, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

the sequence listing part of the description:

pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).  
 the language of publication of the international application (under Rule 48.3(b)).  
 the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

contained in the international application in written form.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority in written form.  
 furnished subsequently to this Authority in computer readable form.  
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. The amendments have resulted in the cancellation of:

the description, pages \_\_\_\_\_  
 the claims, Nos. \_\_\_\_\_  
 the drawings, sheets/fig. \_\_\_\_\_

### 5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/FR 03/50173

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	6, 10	YES
	Claims	1-5, 7-9	NO
Inventive step (IS)	Claims		YES
	Claims	6, 10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

## 2. Citations and explanations

1. This report makes reference to the following documents:

D1: US 6 246 091 B1 (RODDER MARK S), 12 June 2001  
(2001-06-12)

D2: US 6 323 525 B1 (NOGUCHI MITSUHIRO ET AL), 27 November 2001 (2001-11-27)

D3: US-B1-6 346 450 (MARTIN FRANCOIS ET AL), 12 February 2002 (2002-02-12)

2. The present application does not comply with PCT Article 33(1) because the subject matter of claims 1-5 and 7-9 does not meet the requirement of PCT Article 33(2) for novelty.

2.1 Document D1 (figure 2) describes a MIS transistor and its production process, as well as a T-shaped gate structure coated with a "shape material". It should be noted that not only layer (114) is considered to be made of a "shape material", but also the spacers that cover the vertical beam of the T, the lower and side portions of the horizontal beam and also the base zone of the T-shaped structure.

For this reason, the features of claims 1-5 and 7-9 are known from D1.

- 2.2 Moreover, the features of claims 1 and 8 are known from document D3 (figure 9).
3. The features of claims 6 and 10 are known from D2 (column 22, lines 17, 18). The inclusion of these features in the MISFET described in document D1 would be normal trade practice for a person skilled in the art and would not require an inventive input.